

AMENDED IN ASSEMBLY MARCH 26, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

## ASSEMBLY BILL

**No. 1522**

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**Introduced by Assembly Member Atkins**

**(Principal coauthors: Assembly Members Jeffries and Mitchell)**

(Principal coauthors: Senators *Alquist*, Anderson, *Liu*, and Wyland)

**(Coauthors: Assembly Members Block, Garrick, Hueso, Jones, and Miller)**

(Coauthors: Senators Kehoe and Vargas)

January 18, 2012

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An act to amend Sections 782.5 and 4324 of the Family Code, relating to family law.

### LEGISLATIVE COUNSEL'S DIGEST

AB 1522, as amended, Atkins. Family law: monetary awards.

Existing law provides that, in addition to any other remedy authorized by law, when a spouse is convicted of attempting to murder the other spouse or of soliciting the murder of the other spouse, the injured spouse shall be entitled to 100% of the community property interest in his or her retirement and pension benefits, and a prohibition of specified support or insurance benefits from the injured spouse to the convicted spouse. Existing law defines “injured spouse” for these purposes. Further, existing law authorizes a court to award attorney’s fees and costs in the form of a sanction in these cases.

This bill would expand these provisions to apply when a spouse is convicted of a specified violent sexual felony against the other spouse. This bill would also entitle an injured spouse, *subject to exception*, to a prohibition of attorney’s fees from the injured spouse to the convicted spouse.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

SECTION 1. Section 782.5 of the Family Code is amended to read:

782.5. In addition to any other remedy authorized by law, when a spouse is convicted of attempting to murder the other spouse, as punishable pursuant to subdivision (a) of Section 664 of the Penal Code, of soliciting the murder of the other spouse, as punishable pursuant to subdivision (b) of Section 653f of the Penal Code, or of a violent sexual felony against the other spouse as defined in paragraphs (3), (4), (5), (11), ~~and (15), with the exception of assault with intent to commit mayhem, and (18)~~ of subdivision (c), ~~with the exception of assault with intent to commit mayhem, and paragraph (18) of subdivision (e)~~ of Section 667.5 of the Penal Code, the injured spouse shall be entitled to an award to the injured spouse of 100 percent of the community property interest in the retirement and pension benefits of the injured spouse.

As used in this section, “injured spouse” has the same meaning as defined in Section 4324.

SEC. 2. Section 4324 of the Family Code is amended to read:

4324. (a) In addition to any other remedy authorized by law, when a spouse is convicted of attempting to murder the other spouse, as punishable pursuant to subdivision (a) of Section 664 of the Penal Code, of soliciting the murder of the other spouse, as punishable pursuant to subdivision (b) of Section 653f of the Penal Code, or of a violent sexual felony against the other spouse as defined in paragraphs (3), (4), (5), (11), ~~and (15), with the exception of assault with intent to commit mayhem, and (18)~~ of subdivision (c), ~~with the exception of assault with intent to commit mayhem, and paragraph (18) of subdivision (e)~~ of Section 667.5 of the Penal Code, the injured spouse shall be entitled to a prohibition of any temporary or permanent award for spousal support, attorney’s fees, *except as provided in subdivision (c)*, or medical, life, or other insurance benefits or payments from the injured spouse to the convicted spouse.

As

1     (b) As used in this section, “injured spouse” means the spouse  
2     who has been the subject of the attempted murder, the solicitation  
3     of murder, or the violent sexual felony for which the other spouse  
4     was convicted, whether or not actual physical injury occurred.

5     (c) *A court may, in any hearing regarding child custody,*  
6     *visitation, or child support, subsequent to the spouse’s conviction*  
7     *as described in subdivision (a), order the injured spouse to pay*  
8     *attorney’s fees, under those extraordinary circumstances where*  
9     *the interest of justice and the best interests of the child or children*  
10    *compel that order, if the convicted spouse has already completed*  
11    *the prison term for which he or she was sentenced. The court shall*  
12    *state its reasons for the order in writing or on the record.*